

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

AUSTIN COVINGTON, an individual, and  
WENDY BUCK, an individual,

Plaintiffs,

v.

GERMAN WISE DENTAL LLC dba  
LOWER COLUMBIA ORAL HEALTH, a  
Washington limited liability company, and  
SAM WISE, an individual,

Defendants.

CASE NO. C20-06173-LK

ORDER REQUESTING JOINT  
STATUS REPORT

This matter comes before the Court on a notice of bankruptcy stay filed by German Wise Dental, LLC. Dkt. No. 77. The notice states that German Wise Dental, LLC has filed a voluntary petition in bankruptcy in the United States Bankruptcy Court for this district, Case No. 22-40773-BDL, and pursuant to 11 U.S.C. § 362, “all proceedings in this case against German Wise Dental, LLC have been immediately stayed.” *Id.* at 2.

1 While the Plaintiffs' claims against German Wise Dental, LLC are automatically stayed,  
2 Covington's claim against the other Defendant, Dr. Sam Wise,<sup>1</sup> is not. *See, e.g., In re Ripon Self*  
3 *Storage, LLC*, No. BAP EC-10-1325-HKID, 2011 WL 3300087, at \*6 (B.A.P. 9th Cir. Apr. 1,  
4 2011) (explaining that an automatic stay of proceedings against a defendant in bankruptcy  
5 proceedings does not automatically extend to non-debtor co-defendants); Dkt. No. 1 at 21–22  
6 (asserting a claim against Dr. Wise under Section 49.52.050 of the Revised Code of Washington  
7 for willful withholding of wages). The parties have not moved the bankruptcy court or this Court  
8 to stay the claim against Dr. Wise.

9 Rather than assume that Covington wants to proceed to trial with his claim against Dr.  
10 Wise—and potentially undergo a second trial against the LLC after the bankruptcy proceedings  
11 have concluded—the Court requests that Covington and Dr. Wise submit a joint status report by  
12 November 3, 2022 that addresses the following:

13 (1) whether they plan to seek a stay of the claim against Dr. Wise from the bankruptcy  
14 court;

15 (2) whether this Court should exercise its inherent authority to stay the claim against Dr.  
16 Wise to avoid conducting two trials on overlapping issues; *see, e.g., Beardsley v. All*  
17 *Am. Heating, Inc.*, C05–1962P, 2007 WL 1521225, at \*3 (W.D. Wash. May 22, 2007);  
18 *J & J Sports Prods., Inc. v. Brar*, No. 2:09-CV-3394-GEB-EFB, 2012 WL 4755037, at  
19 \*2 (E.D. Cal. Oct. 3, 2012);

20 (3) when they anticipate the bankruptcy proceedings will conclude;

21 (4) whether Covington wants to proceed to trial on his claim against Dr. Wise before the  
22 bankruptcy proceedings conclude, and if so, the dates on which Covington and Dr.  
23

---

24 <sup>1</sup> Counsel for Dr. Wise has withdrawn, and Dr. Wise is proceeding pro se. Dkt. No. 76.

1 Wise have complications to be considered in setting a trial date within the next six  
2 months; and

3 (5) whether they believe it would be worthwhile to conduct mediation before a Magistrate  
4 Judge in this district regarding Covington's claim against Dr. Wise.

5 If the parties cannot agree on their responses to these questions, they may set forth their  
6 positions in separate paragraphs in the combined joint status report. Counsel for Covington shall  
7 be responsible for starting the communications needed to comply with this Order and filing the  
8 joint status report.

9 In addition, pending the parties' submission of a joint status report, the Clerk is directed to  
10 rene Plaintiffs' supplemental motion in limine, Dkt. No. 62, for November 3, 2022. No further  
11 briefing on that motion will be accepted.

12 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
13 to any party appearing pro se at said party's last known address.

14 Dated this 13th day of October, 2022.

15 

16 Lauren King  
17 United States District Judge  
18  
19  
20  
21  
22  
23  
24